

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

EDWARD V. LAWRENCE,)
)
Petitioner,)
)
vs.) Case No. 4:13-CV-2504-TCM
)
JAY CASSADY,)
)
Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court on petitioner’s “Suggestions in Support of Motion under Rule 60(b)(6)” [Doc. #2], which the Court will liberally construe as a motion to administratively close this case and transfer petitioner’s Rule 60(b)(6) motion to his underlying habeas corpus action. As more fully set forth below, the Court will grant petitioner’s motion.

On or about December 12, 2013, petitioner filed a “Motion for Relief from Judgment pursuant to Rule 60(b)(6)” [Doc. #1]. Although the motion bore the cause number of petitioner’s former habeas corpus action, *Lawrence v. Armontrout*, No. 4:88-CV-1238-DJS (E.D. Mo.), the Clerk’s Office opened the motion as a new 28 U.S.C. § 2254 case and assigned a new cause number. On December 26, 2013, petitioner filed the instant “Suggestions in Support,” asserting that his Rule 60(b) motion was mistakenly filed as a new habeas action and that the Court should consider

his motion under Rule 60(b)(6) in his underlying 1988 habeas case. The Court agrees, and therefore, the Clerk will be ordered to administratively close this action and transfer certain documents, as set forth below, to petitioner's former habeas case. After this is accomplished, the Court will consider petitioner's Rule 60(b)(6) motion.

Accordingly,

IT IS HEREBY ORDERED that petitioner's "Suggestions in Support of Motion under Rule 60(b)(6)" [Doc. #2], liberally construed as a motion to administratively close this case and transfer petitioner's Rule 60(b)(6) motion to his underlying habeas corpus action is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk of Court shall administratively close this case and shall transfer the following documents to petitioner's underlying habeas corpus action, *Lawrence v. Armontrout*, No. 4:88-CV-1238-DJS (E.D. Mo.): Docs. #1 and #2.

IT IS FURTHER ORDERED that the Clerk of Court shall file a copy of this Memorandum and Order in *Lawrence v. Armontrout*, No. 4:88-CV-1238-DJS (E.D. Mo.).

Dated this 27th day of February, 2014.

/s/Jean C. Hamilton
UNITED STATES DISTRICT JUDGE